

**Terminal Disclaimer To Obviate A Double
Patenting Rejection Over A Prior Patent**

APR 04 2008

Docket No.
Army176

In Re Application Of: Nikolich et al.

Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
10/733,691	Dec. 11, 2003	M. Navarro		1645	9351

Invention: **Rough Complementation Plasmid Delivery of Heterologous Antigens in Live Brucella Vaccines**

Owner of Record: United States of America as Represented by the Secretary of the Army

COMMISSIONER FOR PATENTS:

The above-identified owner of record of a 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 6,444,445. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors and/or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Check either box 1 or 2 below, if appropriate.

1. ☒ For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☐ The undersigned is an attorney of record.

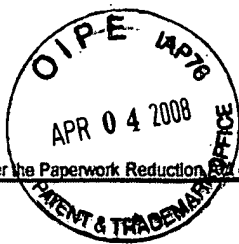
Elizabeth Arwine
Signature

Dated: 4/2/08

Elizabeth Arwine

Typed or Printed Name

- ☒ Terminal disclaimer fee under 37 C.F.R. 1.20(d) included.
☒ PTO suggested wording for terminal disclaimer was unchanged.
☒ Certification under 37 C.F.R. 3.73(b) is required if terminal disclaimer is signed by the assignee.



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PTO/SB/96 (04-07)
Approved for use through 09/30/2007. OMB 0851-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

STATEMENT UNDER 37 CFR 3.73(b)

Applicant/Patent Owner: United States of America as Represented by the Secretary of the Army

Application No./Patent No.: 10/733,691 Filed/Issue Date: December 11, 2003

Entitled: Rough Complementation Plasmid Delivery of Heterologous Antigens in Live Brucella Vaccines

United States of America as

Represented by the Secretary of the Army, a government agency

(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of less than the entire right, title and interest
(The extent (by percentage) of its ownership interest is _____ %)

in the patent application/patent identified above by virtue of either:

- A. ☒ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.
An assignment has been submitted for recordation on 04/01/2008.

OR

- B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as follows:

1. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.
2. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.
3. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

☒ As required by 37 CFR 3.73(b)(1)(i), the documentary evidence of the chain of title from the original owner to the assignee was, or concurrently is being, submitted for recordation pursuant to 37 CFR 3.11.

(NOTE: A separate copy (i.e., a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, to record the assignment in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

Elizabeth Arwine
Signature

Elizabeth Arwine
Printed or Typed Name

PATENT ATTORNEY, DEPT. ARMY
Title

4/2/08
Date
301-619-7808
Telephone number

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

ASSIGNMENT OF INVENTION

Title of Invention: IMMUNOGENIC COMPOSITIONS INCLUDING ROUGH PHENOTYPE
BRUCELLA HOST STRAINS AND COMPLEMENTATION DNA FRAGMENTS

Inventors: MIKELJON NIKOLICH and DAVID HOOVER

Date Oath Executed: 12/17/2003

Application Serial Nos.: U.S. 10/733,691 and PCT/US03/39347 filed 12/11/2003

We, the undersigned inventors, in consideration of the rights of the Government of the United States acquired by virtue of the circumstances under which the above-entitled invention was made, hereby:

1. Assign to the Government of the United States, as represented by the Secretary of the Army, the entire right, title, and interest throughout the United States, its Territories, Possessions, and Puerto Rico, in and to the above-entitled invention and application for patent all Letters Patent issuing thereon, and any continuation, continuation-in-part, or division of said application and any resissue of extension of said Letters Patent.
2. Assign to the Government all right, title, and interest in the invention in those foreign countries in which the Government determines to cause an application to be filed, including but not limited to Australia, Canada, Mexico, Japan and the countries of the European Union.
3. Agree to provide any further information within our knowledge and to execute any further documents necessary to the prosecution of patent applications on the invention, the prosecution of interference's, and recording of title of patent applications and patents issuing thereon.

Inventor's Signature: *Mikeljon P. Nikolic*

Date: 16 Jan 2008 Typed Name of Inventor: MIKELJON NIKOLICH

STATE OF Maryland

COUNTY OF Montgomery

On the above date MIKELJON NIKOLICH known to me to be the individual described in and who executed the foregoing instrument duly appeared before me and acknowledged to me that the same as his own free act and deed.

(SEAL)

Tha Brown
NOTARY PUBLIC

My Commission expires on _____



Tha Brown
Notary Public
Frederick County, State of Maryland
My Comm. Exp. 12/09/2011

ASSIGNMENT OF INVENTION

Title of Invention: IMMUNOGENIC COMPOSITIONS INCLUDING ROUGH PHENOTYPE
BRUCELLA HOST STRAINS AND COMPLEMENTATION DNA FRAGMENTS

Inventors: MIKELJON NIKOLICH and DAVID HOOVER

Date Oath Executed: 12/17/2003

Application Serial Nos.: U.S. 10/733,691 and PCT/US03/39347 filed 12/11/2003

We, the undersigned inventors, in consideration of the rights of the Government of the United States acquired by virtue of the circumstances under which the above-entitled invention was made, hereby:

1. Assign to the Government of the United States, as represented by the Secretary of the Army, the entire right, title, and interest throughout the United States, its Territories, Possessions, and Puerto Rico, in and to the above-entitled invention and application for patent all Letters Patent issuing thereon, and any continuation, continuation-in-part, or division of said application and any reissue or extension of said Letters Patent.
2. Assign to the Government all right, title, and interest in the invention in those foreign countries in which the Government determines to cause an application to be filed, including but not limited to Australia, Canada, Mexico, Japan and the countries of the European Union.
3. Agree to provide any further information within our knowledge and to execute any further documents necessary to the prosecution of patent applications on the invention, the prosecution of interference's, and recording of title of patent applications and patents issuing thereon.

Inventor's Signature: David L. Hoover

Date: 4-1-04 Typed Name of Inventor: DAVID HOOVER

STATE OF Maryland

COUNTY OF Montgomery

On the above date DAVID HOOVER known to me to be the individual described in and who executed the foregoing instrument duly appeared before me and acknowledged to me that the same as his own free act and deed.

(SEAL)

Sandra Rivas
NOTARY PUBLIC

My Commission expires on 11/06/2011

